

REMARKS

Claims 1-31 are active in this case and have been rejected. In view of the following remarks, reconsideration of the application is respectfully requested.

35 USC § 102 Rejection of Claims 1, 2, 5-16, 19-20, and 28-30

Claims 1, 2, 5-16, 19-20, and 28-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Atkinson et al., U.S. Patent No. 6,381,239 B1 ("Atkinson"). Applicant respectfully traverses this rejection.

For a claim to be anticipated, a single prior art reference must teach each element of the claim. Atkinson falls far short of this standard.

First, the Examiner is respectfully referred to several definitions appearing in the text of the application at page 6, lines 12-21. "A **data-handling resource** provides *data transformation* for one or more data connections in a data communication interface. Some examples of data-handling resources are modems, fax translators, voice encoders and decoders, and video coders and decoders." (emphasis added). Under this definition, Atkinson fails to teach the content of the claims at issue. Neither the Examiner's citations to Atkinson, nor the remainder of Atkinson, teach such a resource. Merely switching a phone connection, as taught by Atkinson, does not transform the data traversing that connection. Even converting a waveform from analog to digital or *vice versa* is not a data transformation, but merely a sampling/desampling procedure. Indeed, the specification explains that "[a] modem sends and/or receives digital data in a modulated format compatible with a desired communications medium, but an A/D or D/A converter needed to complete the connection may exist separate from the modem", indicating the converter itself is not such a resource.

The second definition appearing in that paragraph of the specification is a definition for "internal state information": "**internal state information** is data transformation and communication information, specific to a given data connection, that a data-handling resource develops over the course of a connection" (emphasis added). The Examiner's citations do not illustrate—and Applicant cannot otherwise locate—any mention in Atkinson of data transformation and communication information specific to a given data connection that is savable in a resource internal state memory by one resource and retrievable by a second resource. Atkinson's "details" about the line and trunk configuration of switch cards (col. 18, ll. 23-34) do not teach internal state information as defined. Atkinson's "billing records" and "OAM & P" functions (col. 21, ll. 16-35) may be useful, but they do not amount to internal state information as defined.

To summarize these arguments, Atkinson's switch cards are not the claimed data-handling resources, as they do not perform data transformation and do not develop, save, and/or retrieve the claimed internal state information. The redundant switching of a data stream, in and of itself, is not the claimed invention. The claims require something more—the ability to not only redirect a data stream, but to redirect *data transformation* specific to that data stream, to a new processing resource. This capability is wholly missing from Atkinson.

Further, it does not appear from Atkinson that Atkinson can even redirect switched calls without loss of connection: “[t]he switching platform connects calls after a failure of any one component or resource **wherein calls in progress during a failure may be lost**, however, a user may hang-up and immediately re-establish the call” (col. 24, ll. 12-15, emphasis added).

In rejecting dependent claim 8, the rejection refers to Atkinson's interface card and its tone senders and DTMF receivers (col. 17, ll. 21-29.) Although a DTMF device may technically be regarded as a slow “data-handling resource”, Atkinson does not teach DTMF devices that save internal state information (why would they even do so, as they respond to a predetermined set of tone patterns?) or that can be swapped “without loss of connection” as claimed.

Regarding the remainder of the rejection arguments, while Atkinson uses a data bus, incorporates memory, and utilizes redundant cards, each claim recites more than just these features, and/or uses these features in ways not suggested by Atkinson. Applicant respectfully requests that this rejection be withdrawn.

35 USC § 102 Rejection of Claims 25-27

Claims 25-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fadavi-Ardekani et al., U.S. Patent No. 6,067,317 (“Fadavi”). Applicant respectfully traverses this rejection, as Fadavi fails to teach all elements of any of the rejected claims.

Regarding claim 25, the rejection asserts that Fadavi's Figure 2 “data pump” is an “internal state configuration” as claimed, and that controller 12 and resource port 10 of Figure 2 are an “external state-saving subsystem that communicates the internal state configuration of said modem to a device external to said modem” as claimed. Applicant respectfully disagrees. Although Applicant agrees that Fadavi's resource port allows an external device to “request, share and directly access DCE resources”, (col. 3, l. 56), a port is not an “external state-saving subsystem” as claimed. A port is merely a port. A port does not

save state, it just provides a data path. There is no teaching or suggestion in Fadavi that the modem possess an "external state-saving subsystem" as claimed.

Claim 26 is patentable for the reasons presented above. Furthermore, claim 26 requires an "external state-loading subsystem". Although Fadavi's modem apparently allows its internal memory to be accessed via resource port 10, that modem contains no subsystem that "pre-configures the internal state configuration of said modem for a pre-existing data connection so that the pre-existing data connection can be transferred to said modem from another modem". Fadavi does not disclose two modems or the transfer of a connection between them—the mere fact that Fadavi allows a DTE to "share" modem tasks for a single connection does not make the DTE a separate modem that can serve a connection that can be transferred to the primary modem.

Claim 27 is patentable for the same reasons presented for the added limitation of claim 26 above.

35 USC § 103 Rejection of Claims 3-4, 17-18, and 22-24

Claims 3-4, 17-18, and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Atkinson in view of Browning et al., U.S. SIR No. H1814 ("Browning"). Applicant respectfully traverses this rejection as the combination of Browning and Atkinson fail to create a *prima facie* case of obviousness.

Regarding claims 2-4 and 17-18, Applicant has already explained some reasons why Atkinson fails to teach or suggest the parent claims of claims 2-4 and 17-18. Browning contains no teachings or suggestions that would supply what Atkinson lacks regarding the *independent* claim limitations. Thus without even addressing whether Browning suggests the additional limitations of these dependent claims, the combination fails to teach all elements of the claim. Neither reference teaches the resource internal state memory, data-handling resources, and data-handling resource controller as claimed.

Regarding claims 22-24, similar arguments apply. Modem resources are one type of data-handling resource. Neither Atkinson nor Browning teaches or suggests multiple modem resources "each connected to said data bus and to said resource internal state memory such that internal state information from the modem resources is savable in said resource internal state memory and is retrievable from said resource internal state memory by other modem resources", as claimed. Without addressing other differences, this single difference defeats a *prima facie* case, as the combined references fail to teach all elements of the claim.

35 USC § 103 Rejection of Claim 21

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Atkinson in view of McHale et al., U.S. Patent No. 6,385,203 B2 ("McHale"). Applicant respectfully traverses this rejection as the combination of McHale and Atkinson fail to create a *prima facie* case of obviousness.

Regarding claim 21, Applicant has already shown above some reasons why Atkinson fails to teach all of the elements of claim 19, from which claim 21 depends. The inclusion of the teachings of McHale does not overcome these deficiencies. Although McHale saves "profile information" for XDSL connections, McHale actually **drops** connections that are idle, and then uses the "profile information" to speed later reconnection of that service at some later time when data transfer is again required. McHale, like Atkinson, neither teaches nor suggests saving internal state information sufficient to allow redirecting data between data-handling resources "without loss of connection".

35 USC § 103 Rejection of Claim 31

Claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Atkinson in view of Timm et al., U.S. Patent No. 6,055,268 ("Timm"). Applicant respectfully traverses this rejection as the combination of Timm and Atkinson fail to create a *prima facie* case of obviousness.

Applicant acknowledges that Timm indicates that a single DSP can process multiple simultaneous connections. But the Examiner has not pointed to, and Applicant cannot find, any teaching or suggestion in either reference to "distribut[e] the processing of said multiple data connections [from the same active resource] to multiple data handling resources having excess capacity". Timm also does not cure the deficiencies in Atkinson regarding claim 28, as pointed out above.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-31 of the application is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

**20575**

PATENT TRADEMARK OFFICE

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

James E. Harris
Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613

VERSION WITH MARKINGS TO SHOW CHANGES MADE

No changes made.